

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RESORTS WORLD LAS VEGAS LLC,

Plaintiff,

v.

ROCK FUEL MEDIA, INC.,

Defendants.

2:21-cv-02218-JAD-VCF

**REPORT AND RECOMMENDATION FOR
DEFAULT JUDGMENT**

Before the court is *Resorts World Las Vegas LLC v. Rock Fuel Media, Inc.*, case number 2:21-cv-02218-JAD-VCF.

Relevant background:

On February 14, 2023, the court scheduled an in-person hearing on the motion to withdraw as counsel (ECF No. 45) for February 23, 2023. (ECF No. 46). The court ordered that an officer, director, or managing agent for Rock Fuel Media, Inc. must appear in person for the scheduled hearing. John L. Krieger, Esq. was ordered to inform his client of the scheduled hearing on February 23, 2023; and mail/email a copy of the scheduling order (ECF No. 46) to an officer, director, or managing agent of Rock Fuel Media, Inc. *Id.*

On February 23, 2023, the court held an in-person hearing on the motion to withdraw as counsel. Plaintiff's counsel Bethany Rabe appeared. John L Krieger, Esq. appeared. A representative from Rock Fuel Media, Inc. failed to appear for the scheduled hearing. (ECF No. 48). At the hearing, the court ordered that Defendant Rock Fuel Media has until March 27, 2023, to find new counsel and make an appearance. To date, no appearance has been made in this case by new counsel for Defendant Rock Fuel Media.

Pursuant to Local Rule IA 11-8, "[t]he Court may, after notice and opportunity to be heard, impose

any and all appropriate sanctions on an attorney or party who, without just cause: (a) Fails to appear when required for pretrial conference, argument on motion, or trial; (b) Fails to prepare for a presentation to the Court; (c) Fails to comply with these Rules; or, (d) Fails to comply with any order of this Court.”

“Corporations and other unincorporated associations must appear in court through an attorney.” *In re Am. W. Airlines*, 40 F.3d 1058, 1059 (9th Cir. 1994) (per curiam). In addition, “Courts have inherent power in the interest of the orderly administration of justice and under Rule 41(b), FRCP, to dismiss for disobedience of its orders.” *In re "Santa Barbara Like It Is Today" Copyright Infringement Litig.*, 94 F.R.D. 105, 108 (D. Nev. 1982). Here, Rock Fuel Media, Inc. has failed to follow court orders (ECF No. 46, 48) and have failed to retain counsel in this case. It is appropriate that default be entered against Rock Fuel Media, Inc.

Accordingly,

IT IS HEREBY RECOMMENDED that DEFAULT be entered against Rock Fuel Media, Inc. for failure to maintain counsel and obey the Court’s orders.

The Court Clerk is directed to mail and email a copy of this order to Rock Fuel Media, Inc. at the following address:

Barry Summers
ROCK FUEL MEDIA, INC.
10521 Clearwood Court
Los Angeles, California 90077

barry@rockfuelmedia.com
ty@tyrobertsinnovation.com

Rock Fuel Media, Inc. has 14 days from the date of this order to file an objection to this report

1 and recommendation.

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3 DATED this 29th day of March 2023.



4 CAM FERENBACH
5 UNITED STATES MAGISTRATE JUDGE
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